

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

LeArthur Hills,)
)
Plaintiff,) Case No. 8:16-cv-02731-TLW
vs.)
)
Lt. Aubrey Rennick, Sgt. Derrick Mungo,)
Lt. Karen Henderson, and Warden David)
W. Dunlap,)
)
Defendants.)
)

ORDER

LeArthur Hills (“Plaintiff”), proceeding pro se, filed this action on July 28, 2016, alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. (ECF No. 1). On June 19, 2017, Lt. Aubrey Rennick, Sgt. Derrick Mungo, Lt. Karen Henderson, and Warden David W. Dunlap (“Defendants”) filed a motion for summary judgment. (ECF No. 51). The next day, the Court issued an Order in accordance with *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment/dismissal procedure and of the possible consequences if he failed to adequately respond to the motion. (ECF No. 52). On July 28, 2017, United States Magistrate Judge Jacquelyn D. Austin issued an Order that the action would be dismissed for failure to prosecute if Plaintiff did not respond to Defendants’ motion for summary judgment by August 17, 2017. (ECF No. 56).

On August 23, 2017, Magistrate Judge Austin issued a report and recommendation recommending dismissal of the action for failure to prosecute. (ECF No. 58). Subsequently,

Plaintiff filed a “Response To The Order Of Summary Judgment Objection From Plaintiff,” (ECF No. 60) and an “Objection To Report And Recommendation,” (ECF No. 68), which detailed Plaintiff’s desire to continue prosecuting his case. In light of Plaintiff’s responses, the case was remanded to Magistrate Judge Austin for a supplemental report and recommendation. (ECF No. 65).

This matter is now before the Court for review of the supplemental report and recommendation (the “Report”) filed by Magistrate Judge Austin, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). (ECF No. 72). In the Report, the Magistrate Judge Austin recommends that this Court grant Defendants’ motion for summary judgment. (ECF No. 72). The deadline to file objections was December 19, 2017. Plaintiff did not file objections to the Report. Therefore, the motion is now ripe for review.

In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified finding or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusion of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court’s review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge’s findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

The Court has carefully reviewed the Report, the relevant law, and the record in accordance with the standard set forth in *Wallace*. See *id.* The Court notes that Plaintiff has failed to file

objections to the Report. Therefore, it is hereby **ORDERED** that the Report (ECF No. 72) is **ACCEPTED**. For the reasons articulated by the Magistrate Judge and those stated herein, Defendants' motion for summary judgment (ECF No. 51) is **GRANTED** and the Complaint, (ECF No. 1), is **DISMISSED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

February 14, 2018
Columbia, South Carolina